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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,598	04/16/2001	Rudolf Nordin	ALBIHNW-397	5603

7590

12/02/2004

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EXAMINER

MATZEK, MATTHEW D

ART UNIT PAPER NUMBER

1771

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/701,598

Applicant(s)

NORDIN, RUDOLF

Examiner

Matthew D. Matzek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/30/2000.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Response to Amendment***

Applicant's amendments and accompanying remarks filed 9/27/2004 have been entered and carefully considered. In this Office Action the Applicant's amendments and arguments set forth in the communication filed on 9/27/2004 will be addressed. Applicant's amendments are not found to overcome the 103 rejections set forth in the previous action. Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordin (WO/10946), as set forth in the previous action.

Nordin discloses a mop comprising two cleaning surfaces (Abstract). Said mop comprises microfibers having a dTex below one (p. 2, lines 26-30). Said mop fibers are woven or knitted to form shod and long loops (p. 2, lines 15-25). The amendment of Applicant's claim 4 states that the dry mop fabric comprises loops substantially all having a height of from 3 to 9 mm. As set forth in previous actions (12/5/02, 3/26/04), Applicant's claimed loop height is not claimed by Nordin, but may be inherent. Given that Nordin substantially discloses the claimed invention except for this essential value, it would have been necessary and therefore obvious to rely on one's own knowledge to supply the missing feature. Alternatively, given the general teachings of

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the prior art, it would have been obvious to one skilled in the art to determine the workable ranges of the variable and to optimize the variable to best suit the intended use of the product.

Note In re Aller; 105 USPQ 233. Modifying loop height would have been motivated by the desire to optimize the friction, brushing, and accumulation properties of the mop (p. 6, lines 20-30). The remaining claims of Applicant are rejected as set forth in previous actions.

### ***Response to Arguments***

Applicant argues that Nordin teaches a “regular” mop, which is designed for being immersed into a water-base medium and the present invention is directed to a dry mop and therefore Nordin would not provide inspiration as set forth in this action. This argument is noted, but not found to provide a physical distinction to the claimed product.

Applicant also argues that through the combination of claimed dTex and loop height the loops of claimed invention remain upright or lay in an angle of no more than 45 degrees to an imaginary vertical line. While Nordin does not teach this explicit combination, the claimed physical alignment of said loops may be inherent to the applied invention. Given that Nordin substantially discloses the claimed invention except for this essential value, it would have been necessary and therefore obvious to rely on ones own knowledge to supply the missing feature. Alternatively, given the general teachings of the prior art, it would have been obvious to one skilled in the art to determine the workable ranges of the variable and to optimize the variable to best suit the intended use of the product. Note In re Aller; 105 USPQ 233. Modifying loop height would have been motivated by the desire to optimize the friction, brushing, and accumulation properties of the mop (p. 6, lines 20-30). This modification would have resulted in Applicant's

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claimed alignment of said loops, as it is an inherent property of loops of claimed height and dTex.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdm

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
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